

ARTICLE VII. ABATEMENT OF UNAUTHORIZED VISUAL BLIGHT (GRAFFITI)

Sec. 22-251. Declaration.

The city council hereby finds and determines that visual blight (graffiti) is a public nuisance, contributes to the deterioration of neighborhoods, provides a communication system for gangs and other vandals, damages property and must be abated to avoid the detrimental impact of such graffiti on the city and its residents, to disrupt the communication system for gangs and other vandals, and to prevent further spread of such graffiti.
(Ord. No. 24-05, § 1, 6-7-2005)

Sec. 22-252. Definitions.

The following terms, when used in this article, shall have the meaning ascribed to them in this section:

Graffiti means markings, initials, slogans, inscriptions, symbols, designs or other drawings which are written, sketched, painted, drawn or applied in any other way to any structure, building, or property, or to any portion or element thereof, whether the property is public or private, without the effective consent of the owner.

Graffiti implement means any device capable of being used to affix or apply graffiti, and includes but is not limited to aerosol paint containers, felt tip markers, paint sticks, etching tools, paint sticks, graffiti sticks, or other devices.

Guardian means a person who, by court order, is the legal guardian of a minor, or a public or private agency with whom a minor has been placed by a court.

Minor means any person under the age of 18.

Owner means the registered or titled owner of property, a lessee or tenant of the property, or a person who has control over or the legal right of supervision or possession of the property. In the case of a corporation or partnership, "owner" includes an officer, partner, or manager of the entity.

Paint stick or *graffiti stick* means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a visible mark, and that is not water soluble.

Parent means a natural parent, adoptive parent, or step-parent of a minor.
(Ord. No. 24-05, § 1, 6-7-2005; Ord. No. 021-08, § 1, 8-19-2008)

Sec. 22-253. Offenses.

(a) It shall be unlawful for any person to knowingly apply or affix graffiti to any public or private real or personal property.

(b) A person commits an offense if the person knowingly possesses a graffiti implement with intent to affix or apply graffiti.

(c) A parent or guardian of a minor commits an offense if he or she knowingly permits or by insufficient control allows the minor to affix or apply graffiti to public or private real or personal property.

(d) An owner of private real or personal property commits an offense if the owner, after notice, fails to remove graffiti applied or affixed to the real or personal property.

(e) An offense under this article is punishable by fine and upon conviction, shall be punishable by fine of not less than \$1.00 nor more than \$500.00.

(Ord. No. 24-05, § 1, 6-7-2005; Ord. No. 021-08, § 1, 8-19-2008)

Sec. 22-254. Notice; lien.

(a) In the event the owner of real property situated within the territorial limits of the city shall fail to remove graffiti, the city manager or designee shall send notice to such owner by letter

addressed to said owner at the address shown on the last approved tax rolls of the city, at the address where the subject property is situated, or at the owner's last known address. In the alternative, the city may notify said owner by posting said notice on the property or by one-time publication in the city's official newspaper. Such notice shall generally describe the location of the graffiti and direct that the graffiti shall be abated within seven calendar days from the delivery, posting or publication of the notice.

(b) In the event the owner of property fails to remove graffiti within the seven day period specified in the notice, the city shall have the authority to enter upon private property and abate or cause to be abated the graffiti and assess the owner and the property for the costs thereof.

(c) The city shall send to the owner a statement of expenses showing the costs. If the owner fails to pay or otherwise reimburse the city for such costs within 30 days, the city may file a lien against the property. The lien shall be a first and prior lien against the real estate, inferior only to tax liens and liens for street improvements.

(d) The city may bring suit for foreclosure in the name of the city to recover the expenditures and interest due at the rate of ten percent per annum accruing of and from the date that the costs are incurred by the city. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work. The failure of the owner to receive the notice or statement of expenses shall not be a defense in any such suit.

(e) The remedy provided by this section is in addition to any other remedies provided by this article or other law, all such remedies being cumulative and nonexclusive."

(Ord. No. 021-08, § 1, 8-19-2008)

Secs. 22-255--22-259. Reserved.